EMIRATES FINED 55,000 RUPEES FOR LOSING BAGGAGE 7 YEARS AGO

News / Airlines

The state consumer commission has slapped Emirates Airlines with a fine of 55,000 rupees for losing the baggage of a passenger about seven years ago, and said, payment of damages could not be restricted to the terms of any act, as "there is no bar to grant justifiable compensation for causing mental agony."

Ashok Balasubramanian said he was doing a commercial pilot license course in South Africa.

After completing his course, he took a connecting flight from Johannesburg to Chennai via Dubai on August 3, 2008. He booked three baggages at the time of boarding the flight.

The next day, he took the connecting flight from Dubai, and reached Chennai. On reaching Chennai, he found his bag -- containing his private pilot license, pilot log books and other original educational certificates -- missing. He then contacted the customer affairs manager of Emirates Airlines in the city, which on August 15, 2008, informed Balasubramanian that his complaint had been referred to the tracing office at Dubai.

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The airlines, however, was unable to trace the baggage, and issued a letter on August 28, 2015, saying it was ready to provide US$200 as settlement for the lost baggage.

Balasubramanian then moved the state consumer disputes redressal commission saying in the absence of the pilot log book and other documents; he could not rejoin the course at South Africa. As the airline was responsible for bringing his career to an abrupt halt, it was liable to pay 50 lakh as damages, he said.

In its counter, Emirates Airlines said the terms of travel were printed on the ticket. According to it, passengers were advised to carry their valuable articles in their hand baggage. The compensation claimed by Balasubramanian was "excessive" and it could pay only US$200 to Balasubramanian according to the provisions of the Carriage by Air Act.

A bench of presiding judicial member A K Annamalai and member P Bakiyavathi said the pilot log books and the license were not irreplaceable as Balasubramanian could get them duplicated.

Though he had claimed that he had lost original educational certificates, Balasubramanian had not mentioned this in the list of missing items submitted before the commission. At one place, Balasubramanian said he had completed the course, and at another he said he had to rejoin the course. This meant he had exaggerated the claim, the bench said.

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